

**Notice of Allowability**

Application No.

10/696,980

Examiner

James D. Ewart

Applicant(s)

HIND ET AL.

Art Unit

2683

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment dated 01 March 2006.
2. ☒ The allowed claim(s) is/are 39-50 renumbered 1-12 consecutively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

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***Allowable Subject Matter***

1. Claims 39-50 are allowed. The reason for allowability is indicated below for the independent claims.

Referring to claim 39, the references cited do not teach in a mobile communication device, a method of selecting a cellular network for communications comprising the acts of: performing a scanning operation to identify one or more cellular networks in a geographic coverage area; identifying which of a plurality of communication services, if any, are made available by each cellular network for the mobile communication device; determining which cellular network makes the largest number of preferred communication services available to the mobile communication device; ***and assigning network selection priority to the cellular network that makes the largest number of preferred communication services available to the mobile communication device.***

Referring to claim 44, the references cited do not teach in a mobile communication device, a method of selecting a communication network comprising the acts of: identifying one or more communication networks available to facilitate mobile communications with the mobile communication device in a geographic coverage area; identifying one or more communication services that are made available with each communication network; ***determining which communication network provides the best communication services for the mobile communication device*** based at least in part on the identified availability of communication services in each communication network; ***by determining that the communication network has***

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*a greater or equal number of communication services available to the mobile communication device than any other identified communication network*; and selecting or assigning priority to the communication network that is determined to provide the best communication services for the mobile communication device (Column 5, Lines 12-15); registering with the selected or prioritized communication network.

Both claims 39 and 44 contain the distinguishable feature of assigning a priority to a network that provides the most communication services available to the mobile device. The closest prior art, Naddell et al., lists the available services of each system and allows the user to select the system for use, but does not prioritize the systems and none of the prior art references prioritize the systems based on the number of services available to the mobile device.

### ***Conclusion***

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kotzin et al. U.S. Patent Publication No. 2003/0017828 discloses methods for mobile communication services selection.

Michaelis et al. U.S. Patent Publication No. 2004/0009751 discloses interface selection in a wireless communication network.

Rusch U.S. Patent No. 6,801,777 discloses device and method for intelligent wireless communication selection.

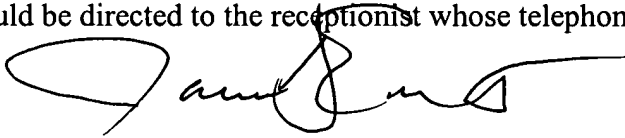
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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James D. Ewart whose telephone number is (571) 272-7864. The examiner can normally be reached on M-F 7am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Hunter can be reached on (571)272-7872. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and (571) 273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2600.



J Ewart  
March 9, 2006



WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600